Remarks:

Reconsideration of the application is requested.

Claims 1-3 and 7-10 remain in the application. Claim 1 has been amended. A marked-up version of the claim is attached hereto on a separate page. Claims 5 and 6 have been cancelled.

In the second paragraph on page 2 of the Office action, claims 1-3 and 10 have been rejected as being fully anticipated by Münker (U.S. Patent No. 5,271,323) under 35 U.S.C. § 102.

In the fourth paragraph on page 2 of the Office action, claims 5-9 have been rejected as being obvious over by Münker (U.S. Patent No. 5,271,323) in view of Schaede (U.S. Patent No. 5,839,366) under 35 U.S.C. § 103.

The rejections have been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in claims 5 and 6 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

"said impression cylinder having a position defined for accepting a sheet to be printed from the feed cylinder and a position defined for surrendering the printed sheet and, on a path from said surrender position to said acceptance position, said second sheet gripper being actuatable for executing one of a movement stressing said spring element assigned thereto and a movement relieving the stress, while said first sheet gripper being actuatable for executing one of a closing movement relieving the stress on said spring element assigned thereto and a closing movement stressing said spring element."

The following remarks are presented to clarify the invention of the instant application. The core of the present invention lies in the feature of closing the gripper 6 on its path from a position for surrendering the printed sheet (impression cylinder 1/delivery cylinder 3) to the position for accepting the printed sheet in order to compensate for a torque fluctuation, which is triggered by the opening or closing action of the grippers 5 of the neighboring feed cylinder 2. Normally, the gripper 6 is not closed on the path between the surrender position and the acceptance position.

The Examiner has stated that claims 6-9 are purely functional. Applicant disagrees. Reciting the movement of a gripper on a

path carries patentable weight. Additionally, it is also noted that there is nothing inherently wrong with defining some part of the invention in functional terms and that functional language does not, in itself, render a claim improper. A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of skill in the art. Functional language may therefore be present in a claim as long as the claim particularly points out and distinctly claims the subject matter of the invention

The references do not show or suggest an impression cylinder having a position defined for accepting a sheet to be printed from the feed cylinder and a position defined for surrendering the printed sheet, on a path from the surrender position to the acceptance position, the second sheet gripper being actuatable for executing one of a movement stressing the spring element assigned thereto and a movement relieving the stress, while the first sheet gripper being actuatable for executing one of a closing movement relieving the stress on the spring element assigned thereto and a closing movement stressing the spring element, as recited in claim 1 of the instant application. The concept of performing an opening or closing movement of the gripper at a location at which the movement is not required for transporting sheets but is only performed in order to carry out a torque fluctuation, cannot

be gathered from the Münker or Schaede references, neither taken alone nor in combination with one another.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest an impression cylinder having a position defined for accepting a sheet to be printed from the feed cylinder and a position defined for surrendering the printed sheet, on a path from the surrender position to the acceptance position, the second sheet gripper being actuatable for executing one of a movement stressing the spring element assigned thereto and a movement relieving the stress, while the first sheet gripper being actuatable for executing one of a closing movement relieving the stress on the spring element assigned thereto and a closing movement stressing the spring element, as recited in claim 1 of the instant application. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-3 and 7-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

call so that, if possible, patentable language can be worked out.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

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For Applicant(s)

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Marked-up version of the claims:

Claim 1 (twice-amended). A printing machine, comprising:

[rollers and at least a first and a second functional element respectively assigned to one of said rollers for executing cyclic movements synchronized with a rotational movement of said rollers and driven, together with said rollers, by a drive unit; and

spring elements, respectively, assigned to the functional elements, said spring elements being stressed in one phase of the cyclic movement and relieved of stress in another phase of the cyclic movement, a respective phase wherein a first one of said spring elements is stressed being synchronized with a respective phase wherein a second one of said spring elements is relieved of stress]

a drive unit;

rollers having a rotational movement and including a feed cylinder and an impression cylinder;

a first sheet gripper mounted on said feed cylinder;

a second sheet gripper mounted on said impression cylinder;

said first and second grippers executing cyclical movements having phases and being synchronized with said rotational movement of said rollers and driven, together with said rollers, by said drive unit;

said first and second grippers having respective spring elements, said spring elements being stressed in one of said phases of the cyclic movement and relieved of stress in another of said phases of the cyclic movement, a respective one of said phases having a first one of said spring elements stressed being synchronized with a respective one of said phases having a second one of said spring elements relieved of stress;

said impression cylinder having a position defined for accepting a sheet to be printed from the feed cylinder and a position defined for surrendering the printed sheet and, on a path from said surrender position to said acceptance position, said second sheet gripper being actuatable for executing one of a movement stressing said spring element assigned thereto and a movement relieving the stress, while said first sheet gripper being actuatable for executing one of a closing movement relieving the stress on said spring element assigned thereto and a closing movement stressing said spring element.